



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent

Inventor(s): Nelson

Patent No.: 7,013,279

Issued: March 14, 2006

Appln. No.: 09/658,243

Filed: 09/08/2000

Conf. No.: 3028

Title: PERSONAL COMPUTER AND SCANNER FOR
GENERATING CONVERSATION UTTERANCES
TO A REMOTE LISTENER IN RESPONSE TO A
QUIET SELECTION

PATENT

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on May 15, 2006.



Michelle McAnern Calavita

Signature Date: May 15, 2006

**APPLICATION FOR PATENT TERM ADJUSTMENT
UNDER 37 C.F.R. 1.705(d)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

05/19/2006 HDEMESS2 00000010 09658243

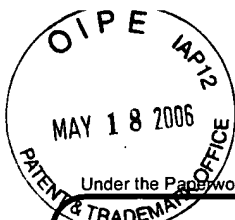
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200.00 OP

Sir:

Applicant hereby requests reconsideration/reinstatement of the Patent Term Adjustment (PTA) indicated in the Determination of Patent Term Adjustment under 35 U.S.C. § 154 (b) indicated on U.S. Patent No. 7,013,279, which was issued on March 14, 2006.

A review of the PTA details for this patent available via the USPTO's Patent Application Information Retrieval (PAIR) system indicates an apparent error in the Determination of Patent Term



PTO/SB/17 (01-06)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2006

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 200.00

Complete if Known

| | |
|----------------------|---------------|
| Application Number | 09/658,243 |
| Filing Date | 9/8/2000 |
| First Named Inventor | Nelson |
| Examiner Name | S. McFadden |
| Art Unit | 2655 |
| Attorney Docket No. | FXPL-01025US0 |

METHOD OF PAYMENT (check all that apply)☒ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 06-1325 Deposit Account Name: Fliesler Meyer LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION (All the fees below are due upon filing or may be subject to a surcharge.)**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES - including claim fees from application and preliminary amendment

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|---------------------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |
| Total Claims | Extra Claims | Fee (\$) |
| - 20 or HP = _____ x _____ = _____ | | |
| HP = highest number of total claims paid for, if greater than 20. | | |
| Indep. Claims | Extra Claims | Fee (\$) |
| - 3 or HP = _____ x _____ = _____ | | |
| HP = highest number of independent claims paid for, if greater than 3. | | |

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| | | | | |
|---------------|--------------|--|----------|---------------|
| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
| - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | = _____ | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Request for Patent Term Adjustment - 37 CFR 1.18(e) 200.00

SUBMITTED BY

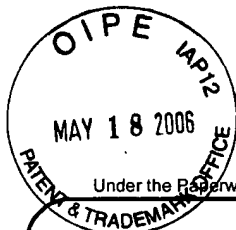
| | | | |
|-------------------|--------------------|--|------------------------|
| Signature | | Registration No. (Attorney/Agent) 25,656 | Telephone 415.362.3800 |
| Name (Print/Type) | Martin C. Fliesler | | Date May 15, 2006 |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No.: FXPL-01025US0

mcf/fxpl/1025us0/1025us0 - pta request - FEE.pdf



PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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| | | |
|---|------------------------|---------------|
| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 09/658,243 |
| | Filing Date | 9/8/2000 |
| | First Named Inventor | Nelson |
| | Art Unit | 2655 |
| | Examiner Name | S. McFadden |
| Total Number of Pages in This Submission | Attorney Docket Number | FXPL-01025US0 |

| ENCLOSURES (Check all that apply) | | |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address and Statement Under 37 CFR 3.73(b) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Application for Patent Term Adjustment; return receipt postcard |
| Remarks | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
|--|--|------------------------|
| Firm or Individual name | Martin C. Fliesler Fliesler Meyer LLP | Customer Number: 23910 |
| Signature | | Reg. No.: 25,656 |
| Date | May 15, 2006 | |

| CERTIFICATE OF TRANSMISSION/MAILING | | | |
|---|---------------------------|------|--------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | | | |
| Typed or printed name | Michelle McAnern Calavita | | |
| Signature | | Date | May 15, 2006 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Adjustment for this patent. Applicant respectfully requests that the USPTO review this determination for accuracy.

This request is being submitted within 2 months of the issue date of this patent.

In accordance with §1.705(d), applicant submits the following in connection with its request for reconsideration/reinstatement of Patent Term Adjustment.

Payment of the \$200.00 fee for filing an application for patent term adjustment under §1.705, pursuant to § 1.18(e), is enclosed.

A statement of the facts involving this request is provided as follows:

In its Determination of Patent Term Adjustment mailed September 12, 2005, the USPTO set the patent term adjustment for this patent at 1,028 days. In the Issue Notification mailed February 22, 2006 and in the Patent granted on March 14, 2006, the USPTO reset the patent term adjustment for this patent at 928 days. Applicant believes that the correct patent term adjustment for this patent is **997** days.

The basis for the adjustment is 37 C.F.R. § 1.704(c)(10), specifically, a delay on the part of the applicant for submitting an amendment under § 1.312 or other paper after the notice of allowance was mailed, which resulted in a 31 day applicant delay.

The relevant dates for which an adjustment is sought and to which the patent is entitled are as follows:

Applicant delay: A Notice of Allowance was mailed by the USPTO on September 12, 2005. In reply to the Notice of Allowance, Applicant submitted the issue fee payment, replacement drawings and an amendment under rule 1.312 which were received by the USPTO/OIPE on December 5, 2005. With regard to the replacement drawings, a review of the PTA details for this patent available via the USPTO's Patent Application Information Retrieval (PAIR) system contains an entry dated December 5, 2005 which indicates "Workflow-Drawings Finished", which suggests to applicant that the USPTO assessed no delay on the part of applicant for submitting replacement drawings after the mailing date of the Notice of Allowance. With regard to the 1.312 amendment, the USPTO responded to applicant's amendment under § 1.312 in a communication mailed

January 4, 2006 (see copy attached), 31 days after the receipt date. A review of the PTA details for this patent available via the PAIR system indicates that following the USPTO's January 4, 2006 response, the USPTO improperly assessed 100 days of delay on the part of the applicant, rather than 31 days of delay.

Based on the above, applicant respectfully submits that following the USPTO's January 4, 2006 response to applicant's amendment under § 1.312, the 100 day delay attributed to the applicant is improper and should be adjusted to 31, and that the correct patent term adjustment for this patent is 1,028 days minus 31 days, i.e. **997** days.

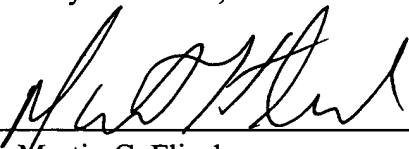
The above-referenced application/patent is not subject to a terminal disclaimer.

Based on the foregoing, Applicant respectfully requests that the USPTO reconsider its Determination.

The Commissioner is hereby authorized to charge any deficiencies or credit any overpayment associated with this communication to Deposit Account No. 06-1325.

Respectfully submitted,

Date: May 15, 2006

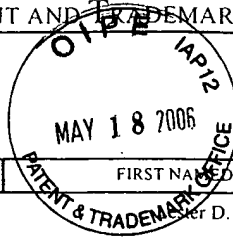
By: 

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Reg. No. 25,656

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www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

09/658,243 ✓

09/08/2000 ✓

Her D. Nelson ✓

EXPL-01025US0
MCF/KJD

3028 ✓

23910 7590 01/04/2006

FLIESLER MEYER, LLP
FOUR EMBARCADERO CENTER
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EXAMINER

MCFADDEN, SUSAN IRIS ✓

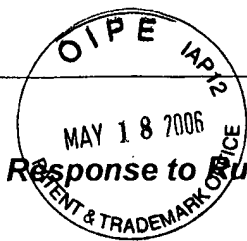
ART UNIT

PAPER NUMBER

2655 ✓

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



Response to Rule 312 Communication

Application No.

09/658,243

Applicant(s)

NELSON, LESTER D.

Examiner

Susan McFadden

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on 12-5-05 under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.

Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

Susan McFadden
Primary Examiner
Art Unit: 2655